



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15113

Our File Reference Number: Farm 1674/4, Paarl

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR CONSENT USE ON FARM 1674/4, PAARL DIVISION

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application for Consent Use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-law (2023) on Portion 4 of Farm 1674, Paarl Division, to permit the use of 16 existing labourer's cottages for tourist accommodation purposes with ancillary buildings. (Orchard Cottages)

BE APPROVED in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

2.2 Conditions of approval in terms of Section 66 of the said Bylaw:

- iii. That the condition of approval imposed by the Western Cape Government, Roads Network Management, as noted in their Memo Dated 22 May 2020, Attached as **Annexure E**, be complied with.
- iv. That the condition of approval imposed by the Directorate: Infrastructure Services, as noted in their Memo Dated 3 April 2023, Attached as **Annexure D**, be complied with.
- v. Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans or as may be agreed on in writing with the Director Infrastructure Services.
- vi. Building plans must be submitted to the municipality for approval and that the building plans may not differ substantially from the Site Development Plan attached as **Annexure B** (SDP-05-2023-1674/4 – pg 1 to 5).

2.3 The reasons for the above decision are as follows:

- a. The proposed development will not detract from the existing rural character of the area as the buildings will be used for residential purposes as initially approved.
 - b. The proposal will ensure that the existing infrastructure located on the farm is optimally utilized and provide an alternative income stream with employment opportunities.
 - c. The proposal will not have an impact on the existing agricultural potential of the property, as existing buildings will be repurposed to accommodate the proposed use.
 - d. Minimal traffic will be generated by the proposal as the proposed use is still residential in nature and limited additional infrastructure is proposed as existing buildings are being repurposed.
3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

iv. Physical Address

v. Contact details, including a Cell number and E-Mail address

4.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

4.3 The grounds of the appeal which may include the following grounds:

- i. that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- ii. grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

4.4 Whether the appeal is lodged against the whole decision or a part of the decision.

4.5 If the appeal is lodged against a part of the decision, a description of the part.

4.6 If the appeal is lodged against a condition of approval, a description of the condition.

4.7 The factual or legal findings that the appellant relies on.

4.8 The relief sought by the appellant.

4.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

4.10 That the appeal includes the following declaration by the Appellant:

- i. The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- ii. That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

5. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated

8. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
- (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

16-10-2023

DATE:



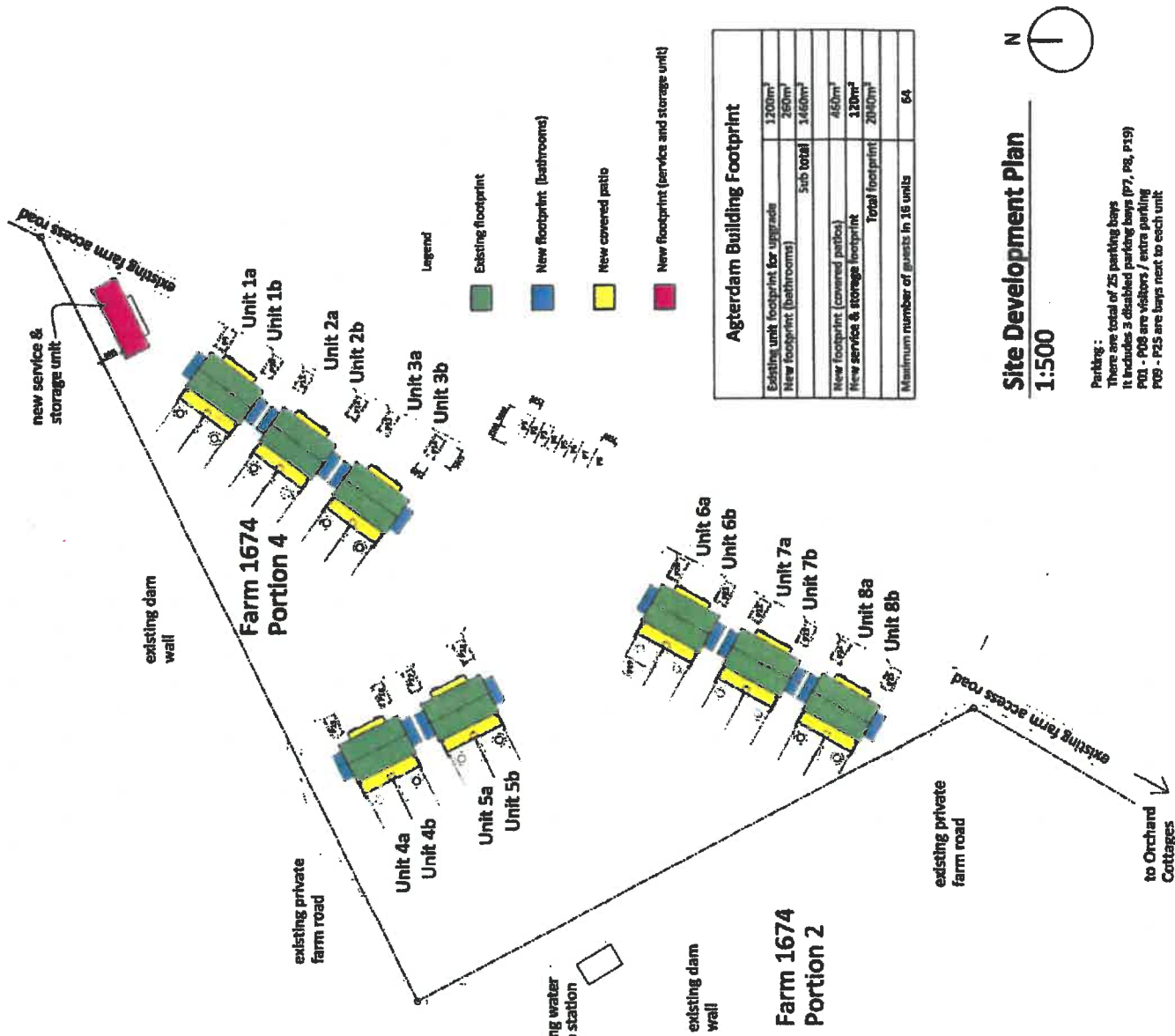
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ANNEXURE B

The content of this plan is based on the information provided by the client. It is the client's responsibility to ensure that all information is accurate and up-to-date. The client is advised to consult with their solicitor and other professional advisers before making any decisions based on this plan.

REVISIONS	
REV.	DETAILS



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 10001 10th Street, South Africa
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 Tel: +27 81 23 728 196
 Fax: +27 81 23 428 196

PROJECT:
 Backveld Estate, Field Road
 Groot Brakrivier, Pekaap
 (Farm 1674 A1 (Agterdam))

CLIENT:
 Site Development Plan

DATE:
 2023/11/02

SCALE:
 1:500 / 1:200

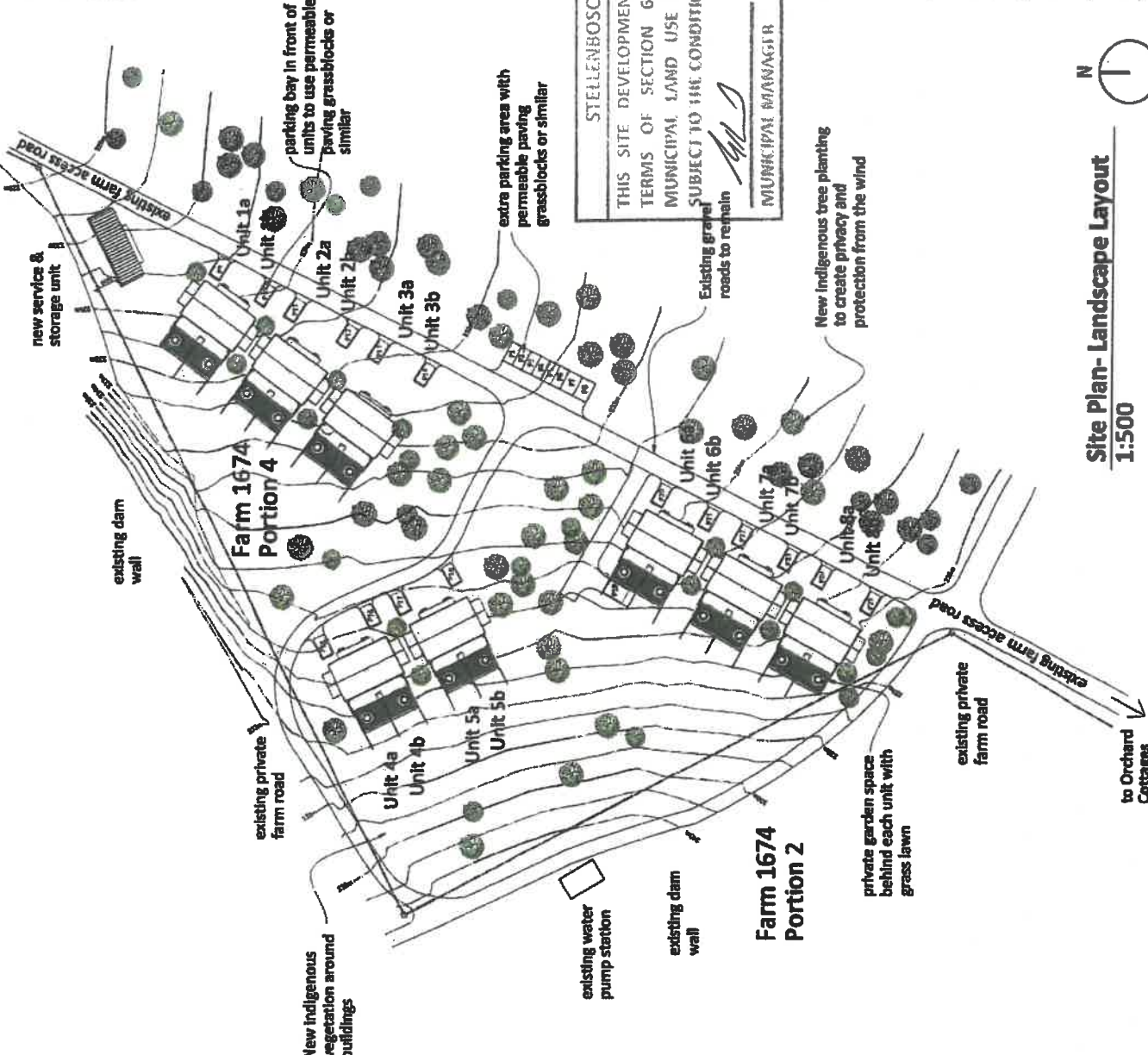
PROJECT NO.:
 TDS 2202

CLIENT NO.:
 20-01

Figur- 9: Proposed Site Development Plan

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REV	DATE	DETAILS



STELLENBOSCH MUNICIPALITY

THIS SITE DEVELOPMENT PLAN IS APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER APPENDIX.

MUNICIPAL MANAGER *[Signature]* DATE 16-10-2023

TSAI DESIGN STUDIO

101 Main St, 7th Floor, Stellenbosch
 7130, Western Cape, South Africa
 www.tsaidesignstudio.com
 021 888 7777
 021 888 7778

Project: Orchard Estate, 101 Main St, Stellenbosch, Western Cape, South Africa

Scale: 1:500
 Date: 16-10-2023

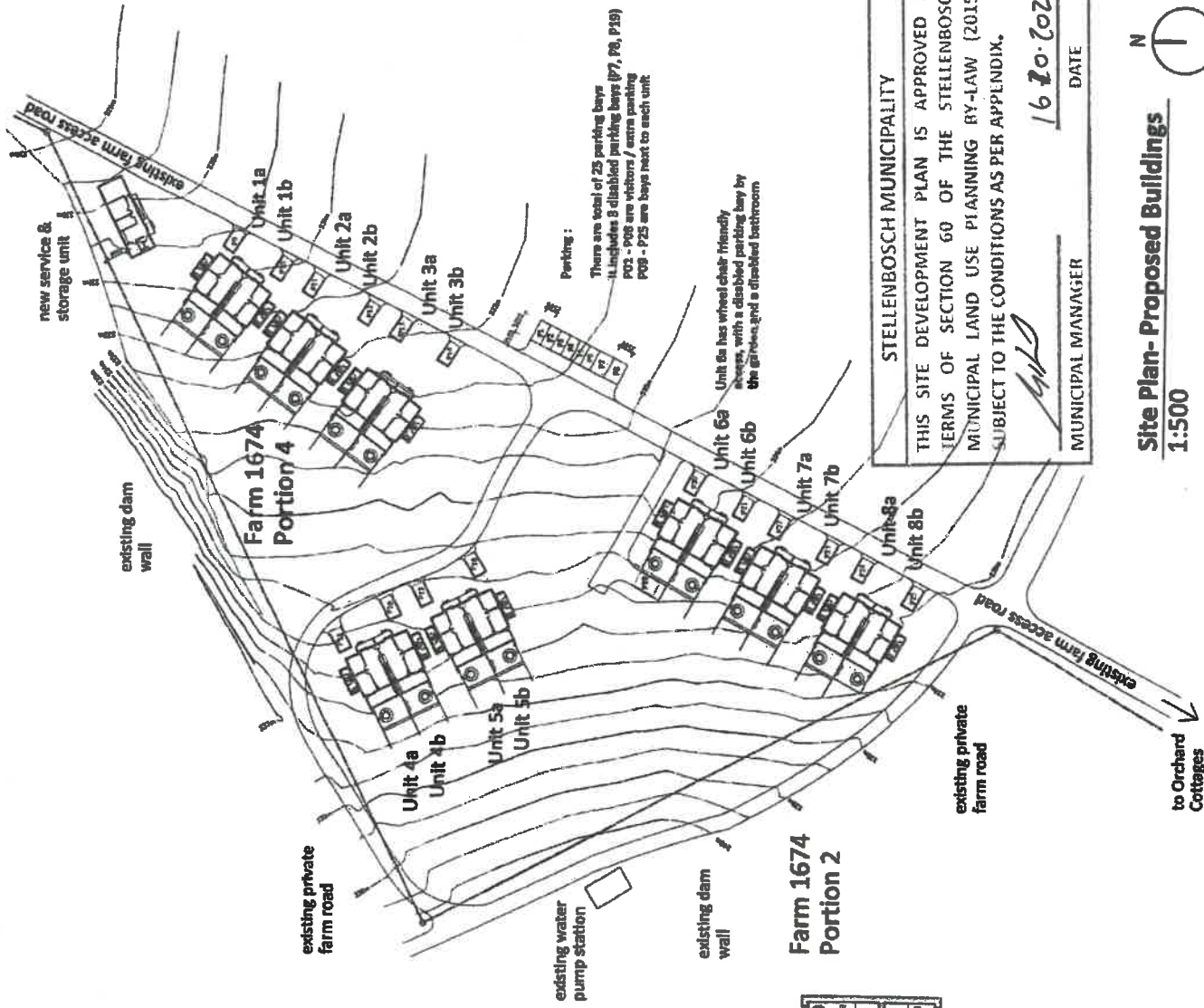


Site Plan- Landscape Layout
 1:500

Figure 9: Proposed Landscape Plan

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REV.	DATE	DETAILS



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 011 461 4611 4612 4613

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 SUBJECT TO THE CONDITIONS AS PER APPENDIX.
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 DATE 16.10.2023

MUNICIPAL MANAGER
 DATE 16.10.2023

8 Wood St, 201 Industrial Estate
 Gardens, West Valley, South Africa
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Site Plan- Proposed Buildings
 1:500

Figure 10: Proposed building and site



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ANNEXURE D



STELLENBOSCH MUNICIPALITY
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MEMORANDUM

DIREKTEUR: INGENIEURSDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To - Aan: Director: Planning + Economic Development
Att Aandag: Nolusindiso Momoti
From - Van: Manager: Development (Infrastructure Services)
Author - Skrywer: Tyrone King
Date - Datum: 3 April 2022
Our Ref - Ons Verw: Civil LU 2484
Your Ref: LU/15113
Re - Insake: Farm 1674/4, Paarl: Application for Consent is being made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-law (2015) to permit the conversion of 16 existing units for 64 guests, as a tourist accommodation establishment in terms of the Stellenbosch Municipality Zoning Scheme Bylaw (2019) on a portion of Portion 4 of Farm 1674, Paarl.

The application is recommended for approval, **subject to the following conditions:**

1. Water

1.1 Owner is proposing own sources for potable water. The quality of the water stored

3. Solid Waste

- 3.1 Please note: Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).

4. Roads

- 4.1 Refer the application to the District Roads Engineer Paarl for comments and approval.
- 4.2 All the conditions set by the District Roads Engineer will be applicable.

5. Development Charges (DCs)

- 5.1 The following DC's are payable: See **Development Charge Calculation** attached.
- 5.2 The DC's were calculated by using the 2022/2023 tariff structure. If DC's are paid after 30 June 2023 it will have to be recalculated by using the tariff structure applicable at date of payment.
- 5.3 The appropriate DC's are payable before building plan approval.
- 5.4 DCs are based on info provided in the land use application and may be revised when building plans are received.

6. General

- 6.1 All internal civil engineering services and connection points must be indicated on the building plans. Or separate engineering layout drawings must be submitted together

7. Electrical Engineering

7.1 Refer to Annexure: Electrical



TYRONE KING

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\01 Land Use applications\2484 () Farm 1674-4 Paarl (LU-15113)\2484 () Farm 1674-4 Paarl (LU-15113).doc



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ANNEXURE E



Western Cape
Government

Wes-Kaap

ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za

tel: +27 21 483 4669

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

REFERENCE: TPW/CFS/RP/LUD/REZ/SUB/1-25/76 (Job 22738)

ENQUIRIES: Ms GD Swanepoel

DATE: 22 May 2020

Stellenbosch Municipality

PO Box 17

STELLENBOSCH

7599

Attention: Mr U von Molendorff

Dear Sir

PORTION OF PORTION 4 OF FARM 1674, PAARL: MAIN ROAD 172: APPLICATION FOR TEMPORARY DEPARTURE (ORCHARD COTTAGES)

1. The following refer:
 - 1.1. The letter LU/10409 from NM & Associates Planners and Designers dated 2 March 2020;
 - 1.2. The letter 4058 from Innovative Transport Solutions to Wolff Architects (Pty) Ltd dated 22 July 2019 and
 - 1.3. This Branch's letters 16/9/6/1-25/76 (Job 22738) dated 26 and 30 January 2015

5. This Branch offers no objection to the application subject to the following conditions:
- 5.1. The access control on OP5230 must be removed immediately to allow public access to the area;
 - 5.2. The owners of all the land parcels that gains access off OP5230 must apply for the closure of the road as a proclaimed road and the subsequent registration of a right of way servitude in favour of the guest houses on Portion 4 of Farm 1674 over the farm portions affected by the access ring road (Portions 6 and 7 of Farm 1674 and Portions 10 and 11 of Farm 1685) and
 - 5.3. The existing access via OP5230 off MR172 at ±km14.40 LHS must remain the only access to Portion 4 of Farm 1674 and no new accesses may be created off MR172 without the approval of this Branch.

Yours faithfully



SW CARSTENS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT